



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

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Executive Director

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State Engineer

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March 6, 1997

Mr. Larry Sowers
Circle Four Realty
P. O. Box 100
Milford, Ut 84751

Dear Mr Sowers:

Re: Circle Four Realty - Metered wells

During a Milford Valley Distribution System's Committee meeting held prior to the February 5, 1997 annual water user's meeting, a concern was brought to our attention. The concern is that during the 1996 water year there were some wells that were pumped without a water meter. I would like to remind you that every well pumped in the Circle Four operation is required to have a functional and properly installed water meter.

Section 73-5-4 of the Utah Code Annotated, 1953 as amended, states in part:

"Every person using water in this state shall construct or install and maintain a substantial head gate, cap, valve or other controlling works, weir, flume and measuring device at each point where water is diverted or turned out, for the purpose of regulating and measuring the quantity of water that may be used. ...If the owner of irrigation works, canals, reservoirs, wells, pumps or tunnels shall refuse or neglect to construct such head gates, caps, valves, flumes or measuring devices after thirty days' notice to do so by the state engineer, the state engineer may forbid the use of water until the user thereof shall comply with this requirement."

Therefore, you are hereby notified that you need to install a water meter in each pumped well by **April 6, 1997**. The well (s) will be inspected for compliance and if not in compliance it will be tagged by the River Commissioner. The tag will represent an order to cease the use of water. The State Engineer will then proceed to take legal action through a court order requiring the cease of use of water from

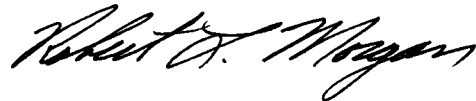


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each well not in compliance until a water meter is installed. This letter commences an informal adjudicative proceeding which is being conducted pursuant to Rules R655-6 of the Administrative Rules of the Division of Water Rights.

Thank you for your cooperation in attending to this matter in a timely manner. If you have any questions concerning this notice, please contact Kerry Carpenter at 586-4231 or Lee Sim at 538-7380.

Sincerely,



Robert L. Morgan, P.E.
State Engineer

RLM:GA

cc: Lee H. Sim, Asst. State Engineer for Distribution/Adjudication
Kerry Carpenter, Cedar City Regional Engineer
John Mabey, Asst. Attorney General
Lavar Davis, Commissioner